

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

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IN RE PAYMENT CARD  
INTERCHANGE FEE AND  
MERCHANT DISCOUNT  
ANTITRUST LITIGATION

This Document Relates To: ALL ACTIONS

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: MASTER FILE NO.  
: MD 05-1720 (JG)(JO)  
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**[PROPOSED] TENTH SCHEDULING ORDER**

AND NOW, the Court hereby enters the following schedule governing the further disposition of the above-captioned actions.

1. Plaintiffs shall serve rebuttal reports no later than June 18, 2010. If Plaintiffs identify a new expert in a rebuttal report, then Defendants may serve a sur-rebuttal report as to the new expert within 30 days after the new expert's report is served, or within 60 days after the new experts' reports are served if Plaintiffs (collectively) identify six (6) or more new experts. If any of the foregoing deadlines are extended, all remaining dates in paragraphs 2 and 4 shall be moved back by an equivalent number of days. This provision concerning sur-rebuttal reports is without prejudice to any party's right to seek leave of Court to file a sur-rebuttal report to any "new opinion," even of an existing expert, as to which that party did not have an opportunity to respond.

2. The parties shall complete the depositions of opposing parties' experts no later than September 16, 2010. There shall be only one deposition of each merits expert as to his or her merits report(s).

3. The parties reserve the right to seek to change any deadlines.

4. Dispositive motions and *Daubert* motions, if any, shall be served on all parties (but not filed) no later than October 8, 2010. Responses to such motions shall be served on all parties (but not filed) no later than December 17, 2010. The parties shall serve their replies and file all motion papers on the docket no later than February 4, 2011.

IT IS SO ORDERED.

Dated: New York, New York

April \_\_, 2010

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HONORABLE JAMES ORENSTEIN  
United States Magistrate Judge